

Information leaflet for all authorities within the Ombudsman's jurisdiction

This leaflet tells you how the Ombudsman deals with complaints about public service providers in Northern Ireland.

Our ASSIST team is here to help. If you require further information about how the Ombudsman deals with complaints, please call us on Freephone 0800 34 34 24

The Role of the Northern Ireland Public Services Ombudsman

The Ombudsman provides a free, independent and impartial service for handling complaints about public service providers in Northern Ireland. These include government departments and agencies, Councils, public housing providers and Health and Social Care Trusts.

A list of the organisations within our remit is on our website.

Our aim is to help public services improve through our investigations and reports. People have the right to complain to the Ombudsman if they feel that a public service provider has treated them unfairly, or if they have received a poor service and their complaint to that organisation has not been resolved to their satisfaction. The Ombudsman can accept complaints which have been referred to this Office by MLAs if authorised to act by the person, or from other representatives considered suitable to act on the complainant's behalf.

If the Ombudsman investigates a complaint and finds an organisation has been at fault, she can recommend appropriate action. The Ombudsman will make balanced decisions on complaints, based on what she regards as fair.

What can people complain to the Ombudsman about?

The Ombudsman can consider complaints about maladministration. The term maladministration is not defined but is generally taken to mean poor administration or the wrong application of rules. The Ombudsman can also consider complaints about professional judgement and clinical decisions which have been made by health and social care professionals.

Some examples that the Ombudsman may regard as maladministration include:

- Avoidable delay
- Faulty procedures or failing to follow the correct procedures
- Not telling someone about any rights of appeal they have
- Unfairness, bias or prejudice
- Giving advice that is misleading or inadequate
- Refusing to answer reasonable questions
- Discourtesy and failure to apologise properly for errors
- Mistakes in handling a complaint

The above list is not exhaustive.

Your Responsibility

We inform complainants that they must normally use the organisation's complaints procedure before making a complaint to the Ombudsman.

Please note that from 1 April 2016 all listed authorities are legally required to give a complainant written notice advising them:

- when the organisation's internal complaints process has been exhausted
- they may refer the matter to the Ombudsman if he/she remains dissatisfied
- of the time limit for making such a referral
- how to contact the Ombudsman

The organisation **must** do this within two weeks of the day on which the complaints procedure has been exhausted.

Is there anything the Ombudsman cannot investigate?

The Ombudsman can only deal with complaints about public service providers.

We would not generally accept a complaint if:

- It is made to the Ombudsman more than 6 months after completing the organisation's complaints procedure (unless the Ombudsman decides there are special circumstances)
- The complainant could take their case to a tribunal
- They could have gone to court or have already begun legal action
- The Ombudsman believes the action or decision they are complaining about was reasonable
- It is about government policy
- It is about private health care

How will the Ombudsman deal with a complaint?

The Ombudsman can decide whether or not to accept a complaint for investigation and we use an assessment process to make this decision.

Initial Assessment

An initial assessment of the complaint will be made to decide if the Ombudsman has the legal authority to investigate. We use our legislation which is the Public Services Ombudsman Act (Northern Ireland) 2016 to help us make this decision.

Assessment

If the Ombudsman has the legal authority to investigate a complaint, our ASSIST team makes an assessment of the complaint to decide if it should be investigated. This assessment involves considering the complaint and the supporting evidence which a complainant has presented. We will usually seek further information from you. Our normal practice is to write to the most senior person in the organisation, however you may wish to appoint a liaison officer to deal with further enquiries.

We will also ask about any proposal you may have to resolve or settle the complaint, rather than carry out an investigation. We encourage organisations to actively consider the possibility of a settlement as this may often result in a quicker resolution of the complaint.

When we have gathered sufficient information, we assess the complaint and decide whether an investigation by the Ombudsman:

- is appropriate and necessary
- would bring about a solution or adequate remedy
- could be of benefit to the general public

We will write to you and the complainant to inform both of our decision.

Investigation

If we decide to investigate, the complaint will be passed to an Investigation Team to establish if the allegations made in the complaint can be substantiated and whether there has been any maladministration by the organisation.

We will obtain further information from you and may also ask the complainant or another organisation for more information. The investigation may be conducted by correspondence and we may interview those involved in the complaint, this decision is taken on a case by case basis. When investigating complaints about health and social care, we may also seek the opinion of medically qualified Independent Professional Advisors.

Where the Ombudsman finds maladministration she will, if appropriate, make recommendations about what you should do to put things right. She does not award compensation or penalise individuals but may decide that your organisation should issue an apology or recommend changes in practice to bring about service improvements. While the Ombudsman will take the views of the complainant and the organisation into account in reaching a decision, ultimately it is up to her to decide what is reasonable.

The Ombudsman will inform you of the result of her investigation in a letter or report. This will initially be issued in draft and you will be provided with an opportunity to comment or to meet with the Ombudsman, prior to the issue of her final decision.

Further information

Our website has further information for public service organisations on our process and remit. You can also find guidance for organisations on good complaints handling, how to issue an apology and the principles of remedy.

How to contact the Ombudsman's Office

Freepost: Freepost NIPSO

or
The Northern Ireland Public Services Ombudsman
Progressive House
33 Wellington Place
BELFAST
BT1 6HN

Telephone: 028 9023 3821 **or Freephone:** 0800 34 34 24

Text Phone: 028 9089 7789

Email: nipso@nipso.org.uk

or
By calling, between 9.00am & 5.00pm, Monday to Friday
at the above address.